

TAYLOR & COHEN LLP

305 Broadway, 7th Floor
New York, NY 10007
Tel (212) 257-1900
Fax (646) 808-0966
www.taylorcohenllp.com

August 13, 2024

By ECF and Email

Honorable Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *U.S. v. Gregoris Martinez*, 19-cr-690-KPF

Dear Judge Failla:

I represent Gregoris Martinez in the above-referenced matter. I am writing to request that the Court order the Bureau of Prisons (“BOP”) to provide to the parties all reports, evaluations, interpretations and notes relating to Mr. Martinez’s March 2024, May 2024, and upcoming August or September 2024 positron emission tomography (“PET”) scans as well as the images themselves in their native format.

As the Court is aware, since being diagnosed with non-Hodgkins B-cell lymphoma, Mr. Martinez has undergone two PET scans: the first in March 2024 while he was still undergoing chemotherapy, and a second in May 2024 after he completed the last of six rounds of chemotherapy. After the results of the earlier scan were communicated to Mr. Martinez, I wrote to inform the Court that Mr. Martinez appeared to be responding well to treatment. (*See* ECF Doc. 270). However, notes in Mr. Martinez’s BOP medical file indicate that the more recent scan shows the presence of a new tumor or possibly the persistence of the original tumor.

After the August 5, 2024 court conference, I retained a medical expert to review Mr. Martinez’s medical file. He has advised me that, to assess Mr. Martinez’s medical condition, he would need, at a minimum, the reports of the treating radiologist who reviewed Mr. Martinez’s PET scans. These reports would include, among other things, the radiologist’s interpretations of the results of the scan and a Deauville score that evaluates on a five-point scale Greg’s response to treatment. Such reports or interpretations are not included in the BOP medical files produced to the Court and the parties. Additionally, the expert has advised me that, to assess Mr. Martinez’s response to treatment, ideally, he would also want to review the images of the PET scans themselves.

August 13, 2024
Hon. Katherine Polk Failla
Page 2

Accordingly, I respectfully request that the Court direct the BOP to produce to the parties the treating radiologist's reports, evaluations, interpretations and notes relating to the March 2024 and the May 2024 PET scans as well as images of the PET scans in their native format. Additionally, I request that the Court direct BOP to provide the same information relating to the PET scan scheduled for later this month, when the information and images are available.

Respectfully,



Zachary Taylor

cc: AUSA Nicholas W. Chiuchiolo (*by ECF and email*)

Application GRANTED. It is hereby ORDERED that the Bureau of Prison provide the parties with the medical records requested in the above letter.

The Clerk of Court is directed to terminate the pending motion at docket entry 278.

Date: August 14, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE